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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,480	05/09/2001	Nicola John Policicchio	7368	5662

27752 7590 06/18/2003

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INTELLECTUAL PROPERTY DIVISION  
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CINCINNATI, OH 45224

EXAMINER

LE, HUYEN D

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 06/18/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/831,480

Applicant(s)

POLICICCHIO ET AL.

Examiner

Huyen Le

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 86-106, 113 and 114 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 86-90, 100-103, 105, 113 and 114 is/are rejected.
- 7) ☒ Claim(s) 91-99 and 104 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 103 and 105 are rejected under 35 U.S.C. 102(b) as being anticipated by Sims (3,713,744).

The Sims reference discloses a cleaning implement comprising a handle 10; a support head 14 pivotally attached to the handle 10; a cleaning substrate 52 removably attached to the support head 14; and a hand-held sprayer 54 removably attached to the cleaning implement for providing a cleaning liquid to a surface to be cleaned.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 86-90, 102, 113 and 114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan (U.S. 4,971,471).

The Sloan reference discloses a cleaning implement comprising a handle 54; a support head 16 pivotally attached to the handle 54; a cleaning substrate 36 removably attached to the support head 16; and a liquid delivery system 60,50,18 for providing a cleaning liquid to a surface to be cleaned.

Although the Sloan reference is not specific about the absorbent capacity of the cleaning substrate and the volume of the liquid of which the delivery system sprays, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select a cleaning substrate having an absorbent capacity within a certain range and to adjust the liquid delivery system spraying the liquid at a certain rate to optimize the performance of the cleaning implement. See *In re Aller*, 105 USPQ 233, using the optimum or workable ranges involves only routine skill in the art.

Regarding claims 113 and 114, the scrubbing strip 40 is attached to the mop head 16.

5. Claims 86-90 and 100-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cushing (4,119,386).

The Cushing reference discloses a cleaning implement comprising a handle 8; a support head 60 pivotally attached to the handle 8; a cleaning substrate 76 removably attached to the support head 60; and a liquid delivery system 74,55,12 for providing a cleaning liquid to a surface to be cleaned.

Although the Sloan reference is not specific about the absorbent capacity of the cleaning substrate and the volume, rate or length of which the liquid delivery system sprays, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select a cleaning substrate having an absorbent capacity within a certain range and to adjust the liquid delivery system spraying the liquid at a certain rate to optimize the performance of the cleaning implement. See *In re Aller*, 105 USPQ 233, using the optimum or workable ranges involves only routine skill in the art.

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6. Claims 103 and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia (5,419,015).

The Garcia reference discloses a cleaning implement comprising a handle 21; a support head 26 pivotally attached to the handle 21; a cleaning substrate 31 removably attached to the support head 26.

Although the Garcia reference does not disclose a hand-held liquid sprayer removably attached to the cleaning implement, attention is directed to the Wright et al reference which shows another cleaning implement (Fig. 10) having a hand-held liquid sprayer 602 attached to the cleaning device for providing cleaning liquid to a surface to be cleaned.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a hand-held sprayer to the Garcia cleaning device in view of the teaching of the Wright et al reference for conveniently providing cleaning liquid to a surface to be cleaned.

#### ***Allowable Subject Matter***

7. Claims 91-99 and 104 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Scalf, Gewalt, Andrini, Kunkler et al, Simonette and Ping et al reference show cleaning implements having support heads pivotally attached to handles.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Le whose telephone number is 703-306-5504. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

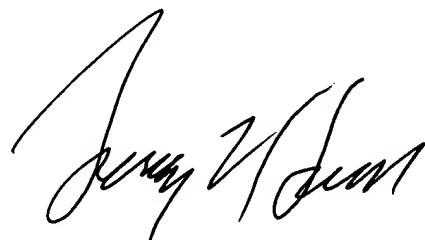
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 703-308-2580. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7766 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

HL

June 14, 2003



6-16-03

GREGORY L. HUSON  
SUPERVISORY PATENT EXAMINER  
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